



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 7, 1998

Mr. Jerry E. Drake, Jr.  
Assistant City Attorney  
City of Denton  
215 East McKinney  
Denton, Texas 76201

OR98-1592

Dear Mr. Drake:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116387.

The City of Denton (the "city") received a request for a copy of the formal complaint which identifies the individual who reported the requestor's alleged violation of city ordinance 6-26. You claim that the requested information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

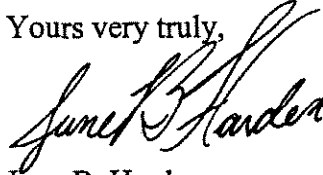
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706

(Tex. 1977). You state that the Denton Animal Control Division, under the supervision of the Denton Police Department, investigates charges, and carries through to trial all penal ordinances relating to animals. Furthermore, you state that the records relate to an ongoing investigation of criminal activity. Because you have informed us that the information at issue relates to a pending criminal investigation, we conclude that you have met your burden of establishing that release of the information would interfere with law enforcement or prosecution. Therefore, the city may withhold the requested information under section 552.108 (a)(1).<sup>1</sup>

Because we are able to make a determination under section 552.108, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 116387

Enclosures: Submitted documents

cc: Mr. T. Van Der Maat  
1307 Wilderness Street  
Denton, Texas 76205  
(w/o enclosures)

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<sup>1</sup>We note, however, that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c).